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WITH THE
N.J. BOARD OF DENTISTRY
ON 6-10-93 cm

ROBERT J. DEL TUFO
ATTORNEY GENERAL OF NEW JERSEY

By: Kathy Rohr
Deputy Attorney General
Division of Law, 5th Floor
124 Halsey Street
Newark, New Jersey 07102
Tel: (201) 648-4735

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC
SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
DOCKET NO.

In the Matter of)
PETER F. BROWN, D.M.D.)
Licensed to Practice Dentistry)
in the State of New Jersey)
_____)

Administrative Action
AMENDMENT TO MONITORING
ORDER

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of a Petition for Modification of the terms and conditions of the Order entered by the Board for monitoring the professional practice of Peter F. Brown, D.M.D. Said Petition was filed by Harvey Levine, Esq., counsel for the respondent, supported by reports from Mary Jane Branda, A.D.C., Senior Counselor at the Steps Recovery Centers in Summit, New Jersey, and Harish K. Malhotra, M.D., respondent's treating psychiatrist.

A hearing on the matter was held before the Board on May 5, 1993, at which time Dr. Brown personally appeared accompanied by Harvey Levine, Esq. Dr. Brown indicated to the Board that his primary purpose for requesting modification of his monitoring order was to terminate the requirement that his employment as a dentist be only under the direct supervision of another licensed

dentist. Dr. Brown further advised the Board that he had an opportunity to purchase the practice of a retiring dentist near his home, and he hoped that deletion of the supervision requirement would permit him to take advantage of this opportunity.

The Board considered the entire record in this matter including the most recent reports of the professionals involved in Dr. Brown's recovery program. The Board finding that good cause exists for the entry of the within Order,

IT IS, THEREFORE, ON THIS 9th DAY OF JUNE, 1993,

ORDERED THAT:

1. The requirement that respondent practice dentistry only under the direct supervision of another licensed dentist shall be terminated and effective immediately. Respondent may practice dentistry independently.

2. Respondent shall enroll immediately in the New Jersey Chemical Dependency Program (C.D.P.) and shall comply with a monitoring program supervised by C.D.P. which shall include, at a minimum, the following conditions:

(a) Respondent shall have his urine monitored under the supervision of the C.D.P. on a random, unannounced basis, two (2) times weekly. The urine monitoring shall be conducted with direct witnessing of the taking of the sample either from a volunteer or drug clinic staff as arranged and designated by the C.D.P. The initial drug screen shall utilize the EMIT technique and all confirming tests and/or secondary tests will be performed

by gas chromatography/mass spectrometry (G.C./M.S.). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge. The C.D.P. shall be responsible to assure that all urine samples are handled by a laboratory competent to provide these services.

All test results shall be provided in the first instance directly to the C.D.P., and any positive result shall be reported immediately by the C.D.P. to Agnes Clarke, Executive Director of the Board, or her designee in the event she is unavailable. The Board also will retain sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing.

Any failure by the respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event the respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from Dr. Frederick Rotgers or Dr. Barbara McCrady of the C.D.P. Neither the volunteer nor drug clinic staff shall be authorized to consent to waive a urine test. In addition, respondent must provide the C.D.P. with written substantiation of his inability to appear within two (2) days, e.g, a physician's report

attesting that the respondent was so ill that he was unable to provide the urine sample or appear for the test. "Impossibility" as employed in this provision shall mean an obstacle beyond the control of the respondent that is so insurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day. The C.D.P. shall advise the Board of every instance where a request has been made to waive a urine test together with the Program's determination in each such case.

The Board may in its sole discretion modify the frequency of testing or method of reporting during the monitoring period.

(b) Respondent shall attend support groups including the impaired professionals group and AA/NA at a frequency as recommended by the C.D.P. Respondent shall provide evidence of attendance at such groups directly to the C.D.P. on a form or in a manner as required by the Program. The C.D.P. shall advise the Board immediately in the event it receives information that respondent has discontinued attendance at any of the support groups.

3. The C.D.P. shall provide quarterly reports to the Board in regard to its monitoring of respondent's program as outlined herein including, but not limited to, the urine testing and the attendance at support groups. The Program shall attach to its quarterly reports any and all appropriate reports and/or documentation concerning any of the monitoring aspects of the within program.

4. Respondent shall engage in individual therapy with Harish K. Malhotra, M.D. at a frequency as recommended by Dr. Malhotra. Respondent shall cause Dr. Malhotra to provide quarterly reports directly to the Board with respect to his attendance and progress in therapy. Respondent shall continue to take his medication, including Lithium and Antabuse, as prescribed by Dr. Malhotra. Dr. Malhotra shall be and is hereby authorized and required to report immediately to the Board any change in the medication regimen or any recurrence of depression or alcohol abuse.

5. Respondent shall not prescribe Schedule II Controlled Dangerous Substances nor shall he possess such substances except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause. Respondent shall not be permitted to have nitrous oxide in his office in the event he enters into an independent dental practice. Respondent shall cause any physician or dentist who prescribed medication which is a controlled dangerous substance to provide a written report to the Board together with patient records indicating the need for such medication. Such report shall be provided to the Board no later than seven (7) days subsequent to the prescription in order to avoid any confusion which may be caused by a confirmed positive urine test.

6. Respondent shall provide appropriate releases to any and all parties who are participating in the monitoring program as outlined herein as may be required in order that all reports,

records, and other pertinent information may be provided to the Board in a timely manner.

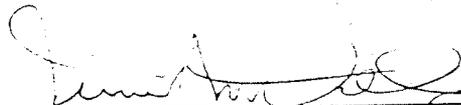
7. Respondent shall submit to random unannounced blood tests at the Board's discretion for the purpose of confirming that he is taking Lithium and Antabuse as prescribed. Respondent shall report to a laboratory designated by the Board on short notice by verbal request from the Board or its designee in order to comply with this section.

8. All costs associated with the monitoring program as outlined herein shall be paid directly by the respondent.

9. It is expressly understood and agreed that continued licensure with restrictions as ordered herein is contingent upon strict compliance with all of the aforementioned conditions. Upon the Board's receipt of any information indicating that any term of the within Order has been violated in any manner whatsoever, including, but not limited to, a verbal report that respondent has failed to take his medication as prescribed or a verbal report of a confirmed positive urine or any other evidence that respondent has used an addictive substance, a hearing shall be held on short notice before the Board or before its representative authorized to act on its behalf. The proofs at such a hearing shall be limited to evidence of the particular violation at issue. Any confirmed positive urine test shall be presumed valid, and respondent shall bear the burden of demonstrating its invalidity.

10. Respondent may apply for modification of the terms and

conditions of the within Order no sooner than one (1) year from
the entry date herein.



JEROME M. HOROWITZ, D.D.S.
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STATE BOARD OF DENTISTRY

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